

Introduced by Senator Gaines

February 24, 2012

An act to amend Section 76000 of the Government Code, relating to county penalties.

LEGISLATIVE COUNSEL'S DIGEST

SB 1437, as introduced, Gaines. County penalties.

Existing law levies an additional penalty in the amount of \$7 for every \$10, or part of \$10, upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

This bill would delete an obsolete cross-reference and make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 76000 of the Government Code is
- 2 amended to read:
- 3 76000. (a) (1) Except as otherwise provided elsewhere in this
- 4 section, in each county there shall be levied an additional penalty
- 5 in the amount of seven dollars (\$7) for every ten dollars (\$10), or
- 6 part of ten dollars (\$10), upon every fine, penalty, or forfeiture
- 7 imposed and collected by the courts for all criminal offenses,
- 8 including all offenses involving a violation of the Vehicle Code
- 9 or any local ordinance adopted pursuant to the Vehicle Code.

(2) This additional penalty shall be collected together with, and in the same manner as, the amounts established by Section 1464 of the Penal Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code. The county treasurer shall deposit those amounts specified by the board of supervisors by resolution in one or more of the funds established pursuant to this chapter. However, deposits to these funds shall continue through whatever period of time is necessary to repay any borrowings made by the county on or before January 1, 1991, to pay for construction provided for in this chapter.

(3) This additional penalty does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

(b) In each authorized county, ~~provided that~~ if the board of supervisors has adopted a resolution stating that the implementation of this subdivision is necessary to the county for the purposes authorized, with respect to each authorized fund established pursuant to Section 76100 or 76101, for every parking offense where a parking penalty, fine, or forfeiture is imposed, an added penalty of two dollars and fifty cents (\$2.50) shall be included in the total penalty, fine, or forfeiture. Except as provided in subdivision (c), for each parking case collected in the courts of the county, the county treasurer shall place in each authorized fund two dollars and fifty cents (\$2.50). These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section ~~1462.3 or~~ 1463.009 of the Penal Code. The judges of the county shall increase the bail schedule amounts as appropriate to reflect the added penalty provided for by this section. In those cities, districts, or other issuing agencies ~~which~~ *that* elect to accept parking penalties, and otherwise process parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the added penalty provided

for by this section. Each agency~~which~~ *that* elects to process parking violations shall pay to the county treasurer two dollars and fifty cents (\$2.50) for each fund for each parking penalty collected on each violation which is not filed in court. Those payments to the county treasurer shall be made monthly, and the county treasurer shall deposit all those sums in the authorized fund. No issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges established in the resolution adopted pursuant to this chapter, except as otherwise agreed upon by the local governmental entities involved.

(c) The county treasurer shall deposit one dollar (\$1) of every two dollars and fifty cents (\$2.50) collected pursuant to subdivision (b) into the general fund of the county.

(d) The authority to impose the two-dollar-and-fifty-cent (\$2.50) penalty authorized by subdivision (b) shall be reduced to one dollar (\$1) as of the date of transfer of responsibility for facilities from the county to the Judicial Council pursuant to Article 3 (commencing with Section 70321) of Chapter 5.1, except as money is needed to pay for construction provided for in Section 76100 and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council.

(e) The seven-dollar (\$7) additional penalty authorized by subdivision (a) shall be reduced in each county by the additional penalty amount assessed by the county for the local courthouse construction fund established by Section 76100 as of January 1, 1998, when the money in that fund is transferred to the state under Section 70402. The amount each county shall charge as an additional penalty under this section shall be as follows:

Alameda	\$5.00	Marin	\$5.00	San Luis Obispo	\$5.00
Alpine	\$5.00	Mariposa	\$2.50	San Mateo	\$4.75
Amador	\$5.00	Mendocino	\$7.00	Santa Barbara	\$3.50
Butte	\$7.00	Merced	\$4.75	Santa Clara	\$5.50
Calaveras	\$3.00	Modoc	\$3.50	Santa Cruz	\$7.00
Colusa	\$6.00	Mono	\$4.00	Shasta	\$3.50
Contra Costa	\$5.00	Monterey	\$5.00	Sierra	\$7.00
Del Norte	\$7.00	Napa	\$3.00	Siskiyou	\$5.00
El Dorado	\$5.00	Nevada	\$4.75	Solano	\$5.00

1	Fresno	\$7.00	Orange	\$5.29	Sonoma	\$5.00
2	Glenn	\$4.00	Placer	\$4.75	Stanislaus	\$5.00
3	Humboldt	\$5.00	Plumas	\$7.00	Sutter	\$6.00
4	Imperial	\$6.00	Riverside	\$4.60	Tehama	\$7.00
5	Inyo	\$4.00	Sacramento	\$5.00	Trinity	\$4.50
6	Kern	\$7.00	San Benito	\$5.00	Tulare	\$5.00
7	Kings	\$7.00	San Bernardino	\$5.00	Tuolumne	\$7.00
8	Lake	\$7.00	San Diego	\$7.00	Ventura	\$5.00
9	Lassen	\$2.00	San Francisco	\$6.99	Yolo	\$7.00
10	Los Angeles	\$5.00	San Joaquin	\$3.75	Yuba	\$3.00
11	Madera	\$7.00				
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